United Nations A/59/PV.57

General Assembly
Fifty-ninth session

Official Records

57th plenary meeting
Thursday, 18 November 2004, 10 a.m.
New York

President: Mr. Ping ..... (Gabon)

In the absence of the President, Mr. Effah-Apenteng (Ghana), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 18

Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter from the President of the Security Council (A/59/437)

Memorandum by the Secretary-General (A/59/438)

Curricula vitae (A/59/439)

The Acting President: The General Assembly will proceed to the election of 14 permanent judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for a four-year term of office commencing on 17 November 2005.

At the election of judges in 2001, 14 permanent judges were elected for a term of four years that will expire on 16 November 2005.

In connection with the election today of the 14 permanent judges, I should like to bring the following matters to the attention of the General Assembly.

First, according to article 13 bis, paragraph 1, of the statute of the International Tribunal as amended by Security Council resolutions 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000, the 14 permanent judges of the International Tribunal shall be elected by the General Assembly from a list of candidates submitted by the Security Council.

At its 5057th meeting, on 14 October 2004, the Security Council, in accordance with article 13 bis, subparagraph 1 (c) of the statute of the International Tribunal, established in resolution 1567 (2004) a list of 22 candidates, taking due account of the adequate representation of the principal legal systems of the world. The list was formally conveyed to the President of the General Assembly by a letter dated 14 October 2004 from the President of the Security Council. The letter was issued as document A/59/437.

Secondly, in accordance with article 13 bis, subparagraph 1 (d) of the statute of the International Tribunal, the Holy See, a non-Member State maintaining a permanent observer mission at United Nations Headquarters, shall participate in the election in the same manner as the States Members of the United Nations. On this occasion, I am happy to welcome here the representative of the Holy See.

Finally, I should like to draw the attention of the Assembly to the documents relating to the election.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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The memorandum by the Secretary-General concerning the election of judges of the International Tribunal is contained in document A/59/438. The list of 22 candidates can be found in paragraph 7 of the same document.

The curricula vitae of the 22 candidates are contained in document A/59/439. In that connection, may I bring to the Assembly's attention the provision of article 13 of the statute of the International Tribunal, which reads as follows:

> "The permanent and ad litem judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers and sections of the Trial Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law."

As representatives are aware, the election of judges will take place in accordance with the relevant provisions of article 13 bis of the statute of the International Tribunal.

In addition, given the similar nature of the election of judges of the International Court of Justice and the election of judges of the International Tribunal, it was decided at the time of the elections of judges in 1993, as well as in 1997, 1998 and 2001, to follow similar election procedures in the General Assembly. In his memorandum, the Secretary-General suggests that those precedents be applied to the election of judges of the International Tribunal.

May I take it that the Assembly agrees to that suggestion?

It was so decided.

The Acting President: In accordance with article 13 bis, subparagraph 1 (d) of the statute of the International Tribunal, the candidates who receive an absolute majority of the votes of States Members of the United Nations and of the non-member State shall be declared elected. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors, for that purpose, are all 191 Member States and one non-member State, the Holy See. Accordingly, 97 votes constitute an absolute majority for the purpose of electing judges of the International Tribunal.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than 14, a second ballot will be held and balloting will continue in the same meeting until 14 candidates have obtained an absolute majority.

Following the practice in the election of judges of the International Court of Justice, the Secretary-General suggests in his memorandum that any second and subsequent balloting shall be unrestricted. It is further suggested that, following the practice in the election of the judges of the International Court of Justice, if more than 14 candidates obtain an absolute majority of votes in the first ballot, a second ballot will be held on all candidates and balloting will continue at the same meeting until 14 candidates, and no more, have obtained an absolute majority.

May I take it that the Assembly agrees to the procedures I have just outlined?

It was so decided.

The Acting President: I now call on the Observer of the Holy See.

Archbishop Migliore (Holy See): The Holy See has followed carefully the activities of the International Criminal Tribunal for the Former Yugoslavia, since the Tribunal is a juridical instrument of the international community and an expression of its condemnation of violations of international humanitarian law. In consideration of its specific nature and objectives, the Holy See, although invited to participate in the voting process, has decided, as on previous occasions, to abstain from voting today on the candidates for the office of judge of the International Criminal Tribunal for the Former Yugoslavia.

At the same time, my delegation takes this opportunity to state its confidence in those selected by this process and wish them well in their mission to apply the law dispassionately, thus promoting justice, reconciliation and peace among the peoples who comprise the former Yugoslavia.

The Acting President: Before we begin the voting process, I should like to remind Members that, pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the

voting except on a point of order on the actual conduct of the voting.

I should like to seek the usual cooperation of representatives during the time of the conduct of the election. Please be reminded that, during the voting process, all campaigning should cease in the General Assembly Hall. This means in particular that, once the meeting has begun, no more campaign material can be distributed inside the Hall. All representatives are also requested to remain at their seats so that the voting process can proceed in an orderly manner. I thank them for their cooperation.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the 14 candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than 14 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Augustine (India), Ms. Barbosa (Mexico), Ms. Szmidt (Poland), Ms. Direito (Portugal) and Ms. Katungye (Uganda) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.35 a.m. and resumed at 12 noon.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	190
Number of invalid ballots:	0
Number of valid ballots:	190
Abstentions:	2
Number of Members voting:	188
Required absolute majority:	97
Number of votes obtained:	
Wolfgang Schomburg (Germany)	157
Fausto Pocar (Italy)	155
Liu Daqun (China)	151
Christine Van den Wyngaert (Belgium)	151
Theodor Meron (United States)	148
Patrick Lipton Robinson (Jamaica)	146
Iain Bonomy (United Kingdom)	144
Mohamed Shahabuddeen (Guyana)	140
O-gon Kwon (Republic of Korea)	139
Carmel Agius (Malta)	138
Kevin Horace Parker (Australia)	136
Jean-Claude Antonetti (France)	135
Alphonsus Martinus Maria Orie (Netherlands)	131
Volodymyr Vassylenko (Ukraine)	121
Bakone Melema Moloto (South Africa)	115
Mohamed Amin El-Abbassi El Mahdi (Egypt)	110
Vonimbolana Rasoazanany (Madagascar)	98
Prisca Matimba Nyambe (Zambia)	81
Sharada Prasad Prandit (Nepal)	44
Elhagi Abdulkader Emberesh (Libyan Arab Jamahiriya)	40
Yenyi Olungu (Democratic Republic of the Congo)	32
Rigoberto Espinal Irias (Honduras)	31

The Acting President: In the ballot just completed, more than the required number of candidates — in this case, 17 candidates — have obtained an absolute majority.

In accordance with the decision taken earlier, the Assembly will proceed to another unrestricted ballot to fill the 14 vacancies.

Before we begin the voting process, I should like to remind members that, pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the 14 candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than 14 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Augustine (India), Ms. Barbosa (Mexico), Ms. Szmidt (Poland), Ms. Direito (Portugal) and Ms. Katungye (Uganda) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.20 p.m. and resumed at 1.15 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	188
Number of invalid ballots:	0
Number of valid ballots:	188
Abstentions:	2
Number of Members voting:	186
Required absolute majority:	97
Number of votes obtained:	
Wolfgang Schomburg (Germany)	159
Fausto Pocar (Italy)	151
Liu Daqun (China)	150
Christine Van den Wyngaert (Belgium)	148
Carmel Agius (Malta)	145
Patrick Lipton Robinson (Jamaica)	142
O-gon Kwon (Republic of Korea)	142
Theodor Meron (United States)	141
Mohamed Shahabuddeen (Guyana)	141
Iain Bonomy (United Kingdom)	141
Jean-Claude Antonetti (France)	135
Kevin Horace Parker (Australia)	132
Alphonsus Martinus Maria Orie (Netherlands)	132
Volodymyr Vassylenko (Ukraine	124
Bakone Melema Moloto (South Africa)	116
Mohamed Amin El-Abbassi El Mahdi (Egypt)	106
Vonimbolana Rasoazanany (Madagascar)	85
Prisca Matimba Nyambe (Zambia)	52
Elhagi Abdulkader Emberesh (Libyan Arab Jamahiriya)	29
Yenyi Olungu (Democratic Republic of the Congo)	22
Rigoberto Espinal Irias (Honduras)	22
Sharada Prasad Prandit (Nepal)	20

The Acting President: In the ballot just completed, again more than the required number of candidates — in this case, 16 candidates, have obtained an absolute majority.

In accordance with the decision taken earlier, the Assembly will proceed to another unrestricted ballot to fill the 14 vacancies.

In view of the late hour, I should like to suggest that we suspend the meeting until 3 p.m. this afternoon.

The meeting was suspended at 1.20 p.m. and resumed at 3.15 p.m.

The Acting President: The General Assembly will now proceed to the third round of unrestricted balloting to fill the 14 vacancies.

Before proceeding further, I should like to recall once again for delegations the following procedures for the election of the judges, as was stated in the Secretary-General's memorandum contained in document A/59/438.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than 14, a second ballot will be held, and balloting will continue in the same meeting until 14 candidates, and no more, have obtained an absolute majority.

Following the practice in the election of judges of the International Court of Justice, any second and subsequent balloting shall be unrestricted.

If more than 14 candidates obtain an absolute majority of votes in the first ballot, a second ballot will be held on all candidates, and balloting will continue at the same meeting until 14 candidates, and no more, have obtained an absolute majority.

A number of representatives have asked for the floor.

Mr. Elmessallati (Libyan Arab Jamahiriya): Allow me, first, to thank all the representatives who have supported our candidate and to express my country's gratitude to them.

Secondly, in view of the results of the previous two rounds of balloting, I would like to announce that we wish to withdraw our candidate from this election.

Mr. Suazo (Honduras) (*spoke in Spanish*): First of all, allow me to thank all those delegations that have supported us in this electoral process, which has proved to be extremely complex in view of the circumstances established in the statute of the Tribunal.

I am grateful for the information provided on electoral procedures in the International Court of Justice, but I would note that the Court's electoral process is rather more elaborate and involves simultaneous voting in the General Assembly and the Security Council. I therefore think that the analogy made to unrestricted ballots in which a majority of votes is secured by certain States competing in the

process is not the soundest comparison. My delegation would draw attention to the need to review the electoral process set out in the Tribunal's statute.

Finally, in order to secure consensus and agreement and to ensure that Latin America and the Caribbean are represented by our candidates Guyana and Jamaica, Honduras withdraws its candidacy.

The Acting President: Members have heard the statements just made that Mr. Elhagi Abdulkader Emberesh of the Libyan Arab Jamahiriya and Mr. Rigoberto Espinal Irias of Honduras have decided to withdraw their names from the list of candidates established by the Security Council. Accordingly, those names will be struck from the ballot paper.

If delegations have no objection, we shall now proceed with the current round of balloting, taking into account the statements just made by the representatives of the Libyan Arab Jamahiriya and Honduras.

The names of the candidates just withdrawn will therefore be removed from the next ballot. For this balloting, I would like to request members to strike out the names of the candidates who have just withdrawn, namely, Mr. Elhagi Abdulkader Emberesh of the Libyan Arab Jamahiriya and Mr. Rigoberto Espinal Irias of Honduras.

We shall now continue with the balloting.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the 14 candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than 14 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Augustine (India), Ms. Viejo (Mexico), Ms. Szmidt (Poland), Ms. Direito (Portugal) and Ms. Katungye (Uganda) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.30 p.m. and resumed at 5.05 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	191
Number of invalid ballots:	0
Number of valid ballots:	191
Abstentions:	2
Number of Members voting:	189
Required absolute majority:	97
Number of votes obtained:	
Wolfgang Schomburg (Germany)	163
Liu Daqun (China)	160
Fausto Pocar (Italy)	157
Patrick Lipton Robinson (Jamaica)	156
Theodor Meron (United States)	152
Iain Bonomy (United Kingdom)	151
Christine Van den Wyngaert (Belgium)	151
O-gon Kwon (Republic of Korea)	149
Mohamed Shahabuddeen (Guyana)	149
Carmel Agius (Malta)	148
Kevin Horace Parker (Australia)	147
Alphonsus Martinus Maria Orie (Netherlands)	141
Jean-Claude Antonetti (France)	140
Volodymyr Vassylenko (Ukraine)	123
Bakone Melema Moloto (South Africa)	112
Mohamed Amin El-Abbassi El Mahdi (Egypt)	92
Vonimbolana Rasoazanany (Madagascar)	72
Prisca Matimba Nyambe (Zambia)	44
Sharada Prasad Prandit (Nepal)	21
Yenyi Olungu (Democratic Republic of the Congo)	20

The Acting President: In the third ballot just completed, again more than the required number of candidates — in this case, 15 candidates — have obtained an absolute majority.

In accordance with the decision taken earlier, the Assembly will proceed to another unrestricted ballot to fill the 14 vacancies.

A number of representatives have asked to take the floor.

Mr. Matondo Mamuamda (Democratic Republic of the Congo) (*spoke in French*): The Democratic Republic of the Congo wishes to extend its warm thanks to the representatives of brotherly and friendly countries that voted for our national candidate. However, given the results of the first, second and third rounds of balloting, the Democratic Republic of the

Congo has decided to withdraw the candidacy of the person in question.

The Democratic Republic of the Congo wishes to assure our friends and brothers here whose nationals remain candidates for positions on the Tribunal that its withdrawal will have absolutely no impact on its arrangements or other agreements of principle relating to these circumstances.

Mr. Musambachime (Zambia): My delegation would like to thank all the member States that have supported our candidature up to this point, but our delegation feels that we should withdraw our candidate, Mrs. Nyambe. In so doing, we want to assure all those that have supported us of our gratitude and thanks.

Mr. Dhakal (Nepal): First of all, my delegation would like to express its sincere gratitude to all those delegations that have kindly extended their support to the candidate of Nepal, Mr. Mr. Sharada Prasad Pandit, Supreme Court justice of Nepal. However, in view of the trend or pattern of voting in the three rounds of balloting, my delegation would like to inform all delegations here that we wish to withdraw Mr. Pandit's candidature.

Mr. Andrianarivelo-Razafy (Madagascar) (*spoke in French*): On behalf of the delegation of Madagascar, and in particular of our candidate, I wish very warmly to thank all those delegations that have been kind enough to support Madagascar's candidate. Given the number of votes that she has received, however, we wish to inform the Assembly that we are withdrawing the candidacy of Ms. Vonimbolana Rasoazanany and wish every success to those remaining in the race.

The Acting President: Members have heard the statements that Mr. Yenyi Olungu of the Democratic Republic of the Congo, Mr. Sharada Prasad Pandit of Nepal, Ms. Vonimbolana Rasoazanany of Madagascar and Ms. Prisca Matimba Nyambe of Zambia have decided to withdraw their names from the list of candidates established by the Security Council. Accordingly, those names will be struck from the ballot paper.

In view of the fact that new ballots have to be prepared to take into account the withdrawals that have just been announced, I would suggest that the Assembly suspend its meeting at this point and that we resume our meeting in 10 minutes to proceed to the fourth round of balloting.

May I take it that the Assembly agrees to that proposal?

It was so decided.

The meeting was suspended at 5.15 p.m. and resumed at 5.30 p.m.

The Acting President: The General Assembly will proceed to the fourth round of unrestricted balloting to fill the 14 vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the 14 candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than 14 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Augustine (India), Ms. Viejo (Mexico), Ms. Szmidt (Poland) and Ms. Direito (Portugal) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.50 p.m. and resumed at 7 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	190
Number of invalid ballots:	0
Number of valid ballots:	190
Abstentions:	2
Number of Members voting:	188
Required absolute majority:	97
Number of votes obtained:	
Patrick Lipton Robinson (Jamaica)	161
Wolfgang Schomburg (Germany)	156
Liu Daqun (China)	155
Mohamed Shahabuddeen (Guyana)	154
Christine Van den Wyngaert (Belgium)	153
Fausto Pocar (Italy)	152
Carmel Agius (Malta)	147
O-gon Kwon (Republic of Korea)	144
Theodor Meron (United States)	143
Iain Bonomy (United Kingdom)	141

Kevin Horace Parker (Australia)	138
Jean-Claude Antonetti (France)	132
Alphonsus Martinus Maria Orie (Netherlands)	130
Volodymyr Vassylenko (Ukraine)	117
Bakone Melema Moloto (South Africa)	113
Mohamed Amin El-Abbassi El Mahdi (Egypt)	91

The Acting President: In the fourth ballot just completed, again more than the required number of candidates — in this case, 15 candidates — have obtained an absolute majority.

In accordance with the decision taken earlier, the Assembly will proceed to another unrestricted ballot to fill the 14 vacancies.

In view of the late hour, I should like to suggest that we suspend the meeting until tomorrow morning at 10 a.m.

Mr. Chowdhury (Bangladesh), Vice-President, took the Chair.

The meeting was suspended at 7.05 p.m. on Thursday, 18 November and resumed at 10 a.m. on Friday, 19 November.

The Acting President: The General Assembly will now proceed to the fifth round of unrestricted balloting to fill the 14 vacancies.

Before proceeding further, I should like to recall once again for delegations the following procedures for the election of the judges, as was stated in the Secretary-General's memorandum contained in document A/59/438.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than 14, a second ballot will be held, and balloting will continue in the same meeting until 14 candidates, and no more, have obtained an absolute majority.

Following the practice in the election of judges of the International Court of Justice, any second and subsequent balloting shall be unrestricted.

If more than 14 candidates obtain an absolute majority of votes in the first ballot, a second ballot will be held on all candidates, and balloting will continue at the same meeting until 14 candidates, and no more, have obtained an absolute majority.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the 14 candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than 14 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Augustine (India), Ms. Viejo (Mexico), Ms. Szmidt (Poland) and Ms. Direito (Portugal) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.25 a.m. and resumed at 11.30 a.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	190
Number of invalid ballots:	0
Number of valid ballots:	190
Abstentions:	2
Number of Members voting:	188
Required absolute majority:	97
Number of votes obtained:	
Mohamed Shahabuddeen (Guyana)	159
Patrick Lipton Robinson (Jamaica)	154
Liu Daqun (China)	151
Wolfgang Schomburg (Germany)	150
Christine Van den Wyngaert (Belgium)	150
Fausto Pocar (Italy)	147
O-gon Kwon (Republic of Korea)	143
Theodor Meron (United States)	139
Kevin Horace Parker (Australia)	139
Carmel Agius (Malta)	138
Iain Bonomy (United Kingdom)	137
Jean-Claude Antonetti (France)	133
Bakone Melema Moloto (South Africa)	127
Alphonsus Martinus Maria Orie (Netherlands)	123
Volodymyr Vassylenko (Ukraine)	108
Mohamed Amin El-Abbassi El Mahdi (Egypt)	85

The Acting President: In the fifth ballot just completed, again more than the required number of

candidates — in this case, 15 candidates — have obtained an absolute majority.

In accordance with the decision taken earlier, the Assembly will proceed to another unrestricted ballot to fill the 14 vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the 14 candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than 14 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Augustine (India), Ms. Viejo (Mexico), Ms. Szmidt (Poland) and Ms. Direito (Portugal) and acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 11.45 a.m. and resumed at 12.55 a.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	190
Number of invalid ballots:	0
Number of valid ballots:	190
Abstentions:	2
Number of Members voting:	188
Required absolute majority:	97
Number of votes obtained:	
Mohamed Shahabuddeen (Guyana)	151
Patrick Lipton Robinson (Jamaica)	146
Bakone Melema Moloto (South Africa)	138
Christine Van den Wyngaert (Belgium)	137
Liu Daqun (China)	135
Wolfgang Schomburg (Germany)	134
Fausto Pocar (Italy)	132
Carmel Agius (Malta)	129
Kevin Horace Parker (Australia)	128
Theodor Meron (United States)	127
Iain Bonomy (United Kingdom)	126
O-gon Kwon (Republic of Korea)	126
Jean-Claude Antonetti (France)	119
Alphonsus Martinus Maria Orie (Netherlands)	106
Volodymyr Vassylenko (Ukraine)	103
Mohamed Amin El-Abbassi El Mahdi (Egypt)	76

The Acting President: In the sixth ballot just completed, again more than the required number of candidates — in this case, 15 candidates — have obtained an absolute majority.

In accordance with the decision taken earlier, the Assembly will proceed to another unrestricted ballot to fill the 14 vacancies.

In view of the late hour, I should like to suggest that we suspend the meeting until this afternoon in order to continue with the balloting.

However, the Assembly will first take up agenda item 158, "Declaration by the United Nations of 8 and 9 May as days of remembrance and reconciliation", to hold the debate only. Thereafter, we will continue with the balloting for the election of the 14 judges of the International Criminal Tribunal for the Former Yugoslavia.

The meeting was suspended at 1 p.m. and resumed at 3.05 p.m.

Agenda item 113 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations

(A/59/430/Add.2)

The Acting President: I should like to inform members that, since the issuance of documents A/59/430 and A/59/430/Add.1, Chad has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

The Acting President: The Assembly has concluded this stage of its consideration of agenda item 113.

Statement on the occasion of Africa Industrialization Day

The Acting President: I would like to remind the General Assembly that tomorrow, Saturday, 20 November 2004, is Africa Industrialization Day.

I will now deliver the message of the President of the General Assembly on the occasion of Africa Industrialization Day.

"On 20 November, the United Nations family observes Africa Industrialization Day with the collective spirit of supporting and promoting the sustainable industrial development efforts of the continent. The theme for this year's Africa Industrialization Day is 'Strengthening Productive Capacity for Poverty Reduction within the Framework of the New Partnership for Africa's Development'.

"Poverty remains a big challenge for Africa. To achieve the Millennium Development Goals, particularly the halving of income poverty, the African economies must grow. The estimates show that annual gross domestic product per capita growth rates of 2 to 6 per cent are required to meet that Goal. In that context, productivity enhancement plays a leading role.

"As a key component of productivity, successful industrialization is the motive force for applying new technologies and entrepreneurship development in Africa. It provides an enabling environment for human capital development, promotes institutional change, modernizes the export structure, as well as creates new employment opportunities.

"To alleviate poverty, African countries must introduce good industrial policies and promote domestic and foreign investment, expansion of markets, infrastructure development, employment and technological change. That goal can be pursued through regional integration and economic cooperation to gain access to international markets.

"The leading role played by the regional economic communities and the private sector in strengthening the productive capacities of the manufacturing sector is important to ensure sustained growth. With that aim, the United Nations Industrial Development Organization and the Conference of the African Ministers of Industry have jointly launched the African Productive Capacity Initiative, which was endorsed by the African Union Summit in July 2004 as the industrial component of the New Partnership for Africa's Development (NEPAD).

"The Initiative will spell out policies and measures enabling African countries to enhance their productive capacities through a value chain approach and regional integration and enter the global production network.

"We are happy to see that, recognizing the importance of industry as a strategic factor of economic development, NEPAD foresees strong industrial policies that will help African countries strengthen their productive capacities and ability to fight poverty. I am confident that Africa, with its vast human and natural resources and strong commitment to the Development Goals, will be able to achieve the objectives of NEPAD.

"In that context, I would like to urge the international community to enhance its support for the productive capacity-building efforts of African countries in order to help them achieve the Millennium Development Goals and the objectives of NEPAD.

"The strategy for strengthening the productive capacity for poverty reduction in Africa within the framework of NEPAD is undoubtedly a step in the right direction.

"This is a day to renew and reconfirm our commitment to working in global partnership and to contributing towards sustainable industrial development as an effective tool for poverty reduction in Africa."

Agenda item 158

Declaration by the United Nations of 8 and 9 May as days of remembrance and reconciliation

Draft resolution (A/59/L.28/Rev.1)

The Acting President: As was announced again at this morning's meeting, at this time the Assembly will hold only the debate on agenda item 158.

I give the floor to the representative of the Russian Federation to introduce draft resolution A/59/L.28/Rev.1.

Mr. Fedotov (Russian Federation) (*spoke in Russian*): I have the honour to speak on behalf of the delegations of Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan and Uzbekistan.

In 2005, the entire world will celebrate the sixtieth anniversary of the victory over fascism. The great triumph of the Second World War was the result of the joint efforts of the peoples of many countries and was the primary impulse leading the international community to establish the United Nations. Through the suffering and death of millions, the peoples of the world have come to see the irreplaceable nature of the international security system that the United Nations embodies in the maintenance of international peace.

Today, it is important to recall the lessons of the Second World War and the memory of those who died in it, and to unite the efforts of the international community, through the central role of the United Nations, to face the new threats and challenges emerging in the world. The Member States must come together to address new challenges, to achieve the pacific settlement of disputes, to deal with conflicts in the future and to strengthen the maintenance of stable and lasting peace.

In the general interests of humankind, we will need to further strengthen the role and efficiency of the United Nations as a central element in the system of collective security in order to implement the widely hailed objectives of the Charter and to save peoples from the scourge of war.

Today, the General Assembly is considering the draft resolution on the declaration by the United Nations of 8 and 9 May as days of remembrance and reconciliation, contained in document A/59/L.28/Rev.1. We believe that the General Assembly will support that important collective and universal initiative and help to mobilize efforts to maintain a secure and equitable world order in accordance with the United Nations Charter. The General Assembly will hold a special solemn meeting on 9 May 2005 in commemoration of the sacrifices made during the war, at which a declaration will be made to encourage general progress and the avoidance of new wars.

We hope that the draft resolution will be adopted without a vote. Bearing in mind the fact that certain delegations have asked for more time to work on the draft, we suggest that the adoption of a decision on it be postponed until Monday, 22 November.

Mr. Van den Berg (Netherlands): I have the honour to speak briefly on behalf of the European Union.

To the European Union member States, as is the case for many other countries around the world, the war brought unspeakable suffering. It affected the lives of millions of people in Europe and beyond. It changed the fates of individuals, families and whole nations.

Rightfully, reflection on that suffering and commemoration of the end of that period of extreme horrors are our common duty. It should inspire us — as individuals, as nations, as organizations — to do everything in our power to jointly prevent war and violence and to deal in a peaceful manner with the challenges and threats we are facing.

We should at the same time recognize that, in many respects, progress has been made since the end of the Second World War towards reconciliation, international and regional cooperation, and the promotion of democratic values, human rights and fundamental freedoms. In fact, our common United Nations and our European Union bear witness to that progress and therefore we hope that we will reach an agreement on the draft resolution just introduced by Vice-Minister Fedotov.

The Acting President: We have heard the last speaker in the debate on this item.

I would like to inform members that, at the request of the sponsors, action on draft resolution A/59/L.28/Rev.1 will be taken on Monday, 22 November 2004, as the first item.

The General Assembly has thus concluded this stage of its consideration of agenda item 158.

Agenda item 18 (*continued*)

Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter from the President of the Security Council (A/59/437)

Memorandum by the Secretary-General (A/59/438)

Curricula vitae (A/59/439)

The Acting President: The General Assembly will now proceed to the seventh round of unrestricted balloting to fill the 14 vacancies.

Before proceeding further, I should like to recall once again for delegations the following procedures for the election of the judges, as was stated in the Secretary-General's memorandum contained in document A/59/438.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than 14, a second ballot will be held, and balloting will continue in the same meeting until 14 candidates, and no more, have obtained an absolute majority.

Following the practice in the election of judges of the International Court of Justice, any second and subsequent balloting shall be unrestricted.

If more than 14 candidates obtain an absolute majority of votes in the first ballot, a second ballot will be held on all candidates, and balloting will continue at the same meeting until 14 candidates, and no more, have obtained an absolute majority.

We shall now begin the voting process. Ballot papers will now be distributed.

I request representatives to use only those ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives will indicate the 14 candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than 14 names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Augustine (India), Ms. Viejo (Mexico), Ms. Szmidt (Poland) and Ms. Direito (Portugal) and acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.30 p.m. and resumed at 4.35 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	185
Number of invalid ballots:	1
Number of valid ballots:	184
Abstentions:	2
Number of Members voting:	182
Required absolute majority:	97
Number of votes obtained:	
Mohamed Shahabuddeen (Guyana)	145
Patrick Lipton Robinson (Jamaica)	143
Liu Daqun (China)	134
Christine Van den Wyngaert (Belgium)	133
Fausto Pocar (Italy)	130
Carmel Agius (Malta)	130
Wolfgang Schomburg (Germany)	129
O-gon Kwon (Republic of Korea)	127
Bakone Melema Moloto (South Africa)	125
Kevin Horace Parker (Australia)	124
Theodor Meron (United States)	123
Iain Bonomy (United Kingdom)	118
Jean-Claude Antonetti (France)	117
Alphonsus Martinus Maria Orie (Netherlands)	104
Volodymyr Vassylenko (Ukraine)	95
Mohamed Amin El-Abbassi El Mahdi (Egypt)	64

Having obtained an absolute majority, the following 14 candidates are elected members of the International Tribunal for a four-year term beginning on 17 November 2005: Mr. Carmel Agius (Malta), Mr. Jean-Claude Antonetti (France), Mr. Iain Bonomy (United Kingdom), Mr. O-gon Kwon (Republic of Korea) Mr. Liu Daqun (China), Mr. Theodor Meron (United States of America), Mr. Bakone Melema Moloto (South Africa), Mr. Alphonsus Martinus Maria Orie (Netherlands), Mr. Kevin Horace Parker (Australia), Mr. Fausto Pocar (Italy), Mr. Patrick Lipton Robinson (Jamaica), Mr. Wolfgang Schomburg (Germany), Mr. Mohamed Shahabuddeen (Guyana) and Ms. Christine Van den Wyngaert (Belgium).

I take this opportunity to extend to the judges the congratulations of the General Assembly on their election and to thank the tellers for their assistance.

We have thus concluded this stage of our consideration of agenda item 18.

The meeting rose at 4.40 p.m.